

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:  NICKI M. TODARO,  Debtor,	CASE NO. 19-23010 (CMB)  CHAPTER 13  ADV. PROC. NO. 20-2035-CMB  Doc. No. <u>75</u>
NICKI M. TODARO,  Plaintiff,  v.  WELLS FARGO BANK, N.A.,  Defendant,	JUDGE BOHM
WELLS FARGO BANK, N.A.,  Third Party Plaintiff,  v.  PNC BANK, N.A.,  Third Party Defendant.	

**STIPULATION AND AGREED ORDER REGARDING MEDIATION**

AND NOW, come Nicki M. Todaro (the “Debtor”), Wells Fargo Bank, N.A. (“Wells Fargo”), and PNC Bank, N.A. (“PNC”, and together with the Debtor and Wells Fargo, the “Parties”), and Michael P. Kruszewski, Esq. (the “Proposed Mediator”), and enter into this Stipulation and Agreed Order as follows:

### PREAMBLES

WHEREAS, the Parties are involved in the above-captioned Adversary Proceeding (the “Action”);

WHEREAS, the Parties believe that Mediation may assist them in resolving some or all of the Action;

WHEREAS, the Parties have requested Michael P. Kruszewski, Esquire (the “Proposed Mediator”) to serve as the Mediator of the Action, and the Proposed Mediator has agreed to serve, subject to this Honorable Court’s approval; and,

WHEREAS, the Proposed Mediator has advised the Parties that there are no conflicts that would prevent the Proposed Mediator from being appointed, subject to this Court’s approval;

NOW, THEREFORE, with the foregoing Preambles forming a part of this Stipulation, the Parties and the Proposed Mediator hereby stipulate and agree as follows:

### TERMS

1. **The Mediator.** The Court’s approval of this Stipulation and Agreed Order will serve as its appointment of the Proposed Mediator as the Mediator for the Action.

2. **The Mediation Session.** A mediation session will take place on or before July 1, 2022, via Zoom. Counsel for the Parties shall participate via Zoom, as shall, for each of the Parties, at least one business representative with full authority to settle and resolve the disputes.

3. **Mediation Statements.** Within seven (7) days of the Mediation Session, the Parties shall provide to the Proposed Mediator brief confidential mediation statements and any other information reasonably requested by the Proposed Mediator.

4. **Mediator's Fees**. The Proposed Mediator shall charge \$265 per hour for pre- and post- Mediation session services rendered through completion of the Mediation process, plus reasonable expenses incurred, if any.

5. **Retainers**. The Mediator has requested a retainer of \$1,500, one-half of which will be paid by each of Wells Fargo and PNC (the "Retainers"). The Retainers are to be paid prior to the commencement of the Mediation session.

6. **Monthly Invoices**. On or before the fifteenth (15th) day of each month, the Proposed Mediator will provide by e-mail or regular mail an invoice to each of the Parties for services rendered in the prior month. Unless one or more of the Parties promptly expresses an objection to him, the Proposed Mediator may apply any Retainers to such invoices and request additional equal payments from each of Wells Fargo and PNC.

7. **Local Rules**. The Mediation process shall be conducted in accordance with this Stipulation and Agreed Order and the Local Rules of this Court.

Agreed to by the Parties and the Proposed Mediator the 2nd day of June, 2022.

/s/ Daniel R. White

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Plaintiff, PNC Bank, N.A.

/s/ Michael P. Kruszewski

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Proposed Mediator

/s/ Bradley A. King

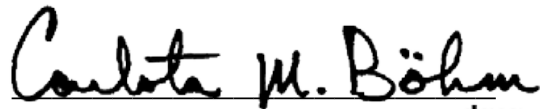
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Counsel to the Third-Party Defendant,  
Wells Fargo Bank, N.A.

**ORDER**

Stipulation approved the 3rd day of June, 2022.

FILED  
6/3/22 3:37 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA



Carlota M. Böhm dmr  
Chief United States Bankruptcy Court Judge